

## DETAILED ACTION

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

#### **In the specification:**

► On page 1, line 4, after the Title, insert:

*--- This application is a 371, National Stage of International Application No. PCT/FR03/003738, filed December 16, 2003 and claims foreign priority under 35 U.S.C. §119(a)-(d) or (f) of FR 02/15906, filed December 16, 2002. ---*

► On page 11, lines 17-22, delete lines 17-22, and insert:

#### **--- Brief Description of the Drawings**

*The drawings appended hereto illustrate the putting into practice of the invention. In these drawings:*

*Figure 1 is a schematic view showing the putting into practice of the invention method;*

*Figure 2 is a diagram showing embodiments that are described below;*

*Figure 3 shows the monitoring of the accumulation of ash residues in the filter and the accumulation of the Zn-65 in the filter;*

*Figure 4 shows the monitoring of the accumulation in the filter of Zn-65 and Sr-85; and*

*Figure 5 shows the relation between the mass of ash residues accumulated in the filter and the Zn-65 activity of the same filter during the running of the vehicle. ---*

Authorization for this examiner's amendment was given in a facsimile transmission dated March 5, 2008, to the Examiner directly from Applicant's Attorney, Mr. Mark Boland, Reg. No. 32,197, according to a telephone interview on 03/03/2008.

### **Interview**

2. A telephone interview has been conducted on March 3, 2008, with Applicant's Attorney, Mr. Mark Boland, Reg. No. 32, 197. An interview summary (PTOL-413) is here attached.

### **Amendment**

3. The Amendment filed on 01/07/2008 has been entered. The present Office Action is made with all the suggested amendments being fully considered.

Claims 1-15 are pending in this Office Action.

***Terminal Disclaimer***

4. Receipt is acknowledged of a Terminal Disclaimer over US Application No 10/526,973, now USPAT 7,291,836.

The Terminal Disclaimer has been approved.

***Claim Objections Withdrawn***

5. A Terminal Disclaimer having been submitted, the previous objection of claims 4 and 5 is herewith withdrawn.

6. Claims 7, 8, 10, 11 and 14 having been properly amended, their previous objections are herewith withdrawn.

***ALLOWANCE***

7. Claims 1, 4, 5 and 12 are allowed, based on Terminal Disclaimer over USPAT 7,291,836.

***Reasons for Allowance***

8. The following is an examiner's statement of reasons for allowance:

► Claims 1 and 12 are allowed because the prior art failed to anticipate or make obvious a continuous determination of damage to an internal combustion engine by making use of a radiotracer, wherein a radiation detector placed adjacent to the system to allow a continuous measurement of the emitted radiation while the engine is in use.

- Claim 4 is also allowed for additionally reciting an incorporation of technetium-99-m into the oil or the fuel in the form of an aqueous solution of sodium pertechnate  $\text{NaTcO}_4$ .
- Claim 5 is also allowed for additionally reciting an incorporation of germanium-69 into the oil or the fuel in the form of at least one tetraalkylgermane.
- Claims 2, 3, 6-11 and 13-15 are also allowed for their dependency, either directly or indirectly, to the previously allowed claims 1, 4, 5 or 12.

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Relevant Prior Art***

10. This prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

(a) USPAT 6,294,389 issued to Vitale Jr., et al. and USPAT 4,990,780 and USPAT 5,445,964 both issued to Lee et al., disclose a continuous inspection of an internal combustion engine by making use of a non-radioactive additive to the engine lubricating oil and measuring their characteristic absorption using a tunable diode laser.

(b) USPAT 5,129,257 issued to Carduner et al. and USPAT 5,117,680 issued to Colvin disclose a continuous inspection of an internal combustion engine by detecting sulphur dioxide in the combustion gas, while teaching away from using radioactive tracer.

(c) USPAT 5,223,712 issued to Adams et al. disclose a continuous inspection of an internal combustion engine by using radioactive element to ionize the exhaust gas and measuring the ionic current induced by the radiation to perform gas analysis/diagnosis.

(d) USPAT 4,153,418 issued to Haas; USPAT 4,338,520 issued to Stewart; USPAT 4,092,541 issued to Neidl; and USPAT 4,626,692 issued to Furrer et al.; all four patents disclose radioactive substance applied to gas turbines and combustion engines. However, the radioactive substance is not added to the lubricating oil, but to the gas, in order to study or investigate the mass flow in the engine system.

### ***Communications***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard E Souw, Ph.D., whose telephone number is 571 272 2482. The examiner can normally be reached on Monday thru Friday, 9:00 am to 5:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on 571 272 2293. The central fax phone number for the organization where this application or proceeding is assigned is 571 273 8300 for regular communications as well as for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571 272 5993.

Art Unit: 2881

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/David A Vanore/  
Primary Examiner, Art Unit 2881

/B. E. S./

Examiner, Art Unit 2881

February 19, 2008